

RUSHCREEK TOWNSHIP TRUSTEES  
BOARD MEETING  
03/16/2016

Hart Van Horn, Chairman called the Rushcreek Township Trustees Board meeting to order at 7:01pm leading with the Pledge of Allegiance. Those in attendance in addition to Hart were: Dave Myers, Trustee; Bill Myers, Trustee; Connie Moyer, Fiscal Officer; Robert Suer, Road Superintendent; and Will Duvall, Fire Chief. Hart asked that all cell phones be muted along with all fire radios except the Chief and Road Superintendent.

Visitors

Earl Lehman, Tracy Shahan, Mary Hoffman, Loren Young, Barb & Charlie Hockman, and Lisa Burnworth

Welcome & Greetings from the Chairman Van Horn

The matters presented at this meeting are important to all citizens and taxpayers of our community. The deliberations of the Trustees are intended to represent the wishes of the majority while giving regard to the needs of the minority and stay within compliance of the law. The Trustees are duty bound to conduct the business of this Township within the "view" of the public domain without personal benefit as described by the Ohio Open Meetings Act. This Act is also known as the Ohio Sunshine Law.

As such, the meetings of the Township are public, with few exceptions, and those exceptions essentially support the rule. Please be advised that the Sunshine Law provides that each citizen has the right to hear, but not to participate or to comment. A public body may grant the opportunity to speak, within limits. It further rules that a person loses the privilege to speak in or attend meetings if that person's speech or conduct disrupts a meeting. It is at this point that everyone should understand the spirit in which this law rests - The basis of a public officer is one who represents the greater good at all times, even when its individuals are not present. The public officer's decisions should embody that greater good, even when the minority sits in attendance. Furthermore, the outspoken may not impose on a person's right to hear.

In recent weeks, there have been many persons who are outspoken at Township meetings, some whose imposition on others rights have gone unchecked. This will no longer be permitted and is unacceptable behavior. I have been approached by the more reasoned, that as Chairperson of this Board, I might best serve the greater good by educating and informing, so as to provide a better understanding by those who might impose on others rights without malice intent. So, in order for this Board of Trustees to better engage in the matters of the Township, I have accepted this counsel.

Therefore, the following is an informative brief and short education on the actions and intended conduct of this office. There have been many challenges to the changes and actions taken by this board and specifically by me since the beginning of 2014. To those challenges, I address the public -

Please understand, a business meeting of such a board, is still a business meeting. Each meeting is a culmination of the work that is to be done in between meetings. The State of Ohio determines that Townships exist. With only a few exceptions, Townships are not accountable to the local county, however they are always accountable to the State of Ohio and the laws by its Revised Code. Township policy and administrative procedures will comply with these laws or they will not be changed. Therefore, you will not see changes in these areas at this time.

In 2013, the Rushcreek Board of Trustees entered into a binding agreement on the policies of this Township. This included procedural changes. Up until that time, there was flagrant abuse of the Sunshine Law with regular off record meetings of public officials, repeated violations of Revised Code, missing and diverted monies owed to the Township or taken from taxpayer resources, misuse of township resources and equipment and a history of trading favors with public officials for personal benefit. That is the short list. Since the time that I have begun conducting the duties as Trustee of Administration, it became apparent that the activities of all officials and personnel associated with this Township needed review and generally improved to comply with the laws of this state. I have taken those obligations of the 2013 Board seriously and continue to conduct those reviews.

Where there has been resistance or no reasonable means of correcting an official's or a staff person's behavior, there have been changes in personnel. In order to continue to abide by the laws and even protect those who have done wrong, the Trustees and Fiscal Officer are required at times to keep and meet over these matters in private. So, let it be clear that anytime we have been silent on a matter, it does not mean consent or admission of wrong doing. To the contrary, the right and proper will prevail.

This work is not yet finished. We still have been questioned on this work. Here is the short and only answer to those inquiries - "Every non-compliance and violation has been reported to the proper authorities. Subsequently, there are on-going investigations being conducted by state and federal agencies. At this time, we are neither privy to nor can we comment on those investigations."

Two years ago this month, the Board of Trustees made a significant change in policy and administrative procedure that has proved to be the one of the greatest improvements in this Township for the greater good that has been seen in over twenty years.

Some of the results of those changes are:

With a new Fire Chief and Assistant Fire Chief that worked with Trustees, we have ushered in new and improved operations for the Bremen Rushcreek Fire Department. We were awarded an \$80,000 grant for personal protective gear, averted a \$20,000 liability from a diversion of funds, added a 24/7 staffing schedule, reversed 30% of its calls on mutual aid to running its own calls and assists other departments, there is over \$70,000 of added income to the operation in just one year, a new level of ranking officers has been added, there has been an across the ranks increase in fire department wages. All of this was done simply by doing what's right and proper - this is tax money and insurance premiums coming back into the community.

In a similar manner, the Road Department has been reviewed and changed in the areas of finance, personnel and equipment. We have added a third full time employee, purchased more efficient equipment, disposed of dangerous and inefficient equipment, reinstated a failing Chip and Seal program which is now ahead of schedule, Avalon Road has often been closed due to flooding for over 40 years and is now open even after record breaking rains.

Furthermore, the Administration of this Township shares information as never before. The tremendous accomplishments that I have just reviewed are due much in part to adding opportunities for all persons to know and understand the activities in this township. We have added over 100 scheduled hours a year to welcome people into these doors and become better informed - no other township has done that. For the first time ever, we sponsored the Ohio Sunshine Laws Class and we have a website providing current information, plus easy access to records.

Contrary to the challenges of the minority, this Township provides more than ever before, the opportunity to be heard. The true work of the Township is done between meetings. Anyone who challenges that statement has not taken from the many opportunities provided to speak to us. As the Trustee of Administration, I personally guarantee that everyone with a request gets a response. We will always be willing to offer a hand up, but a hand out should not be expected. If someone does not use that opportunity, that person gives away something valuable.

Finally, one of the most significant accomplishments of this Township is balanced on the Fiscal Officer's performance. For the first time ever, the Township has had a Clean Audit. Only 20% of over 5,000 government entities manage to do this. That means 80% of this state's governments have some problems. That is not the case in Rushcreek Township anymore. The current Administrative Procedures and the articulate work of the Fiscal Officer are the only reasons this had happened.

So, my strongest recommendation to anyone who feels that the current Administrative Policy and Procedures is somehow unfair is to: First, take a look at what it has provided in its first two years. Second, take a look at the election data that shows nearly 60% of the voters in this community support what we are doing. I welcome any inquiry and offer my assistance to further inform and educate. Please understand that this will necessarily not take place during a regular business meeting.

### Fiscal Officer Report

Recently there has been some discussion about the minutes and how they are prepared. In an attempt to enlighten those present and possibly those who review the minutes via internet, Connie took the floor to explain the process. According to the Ohio Revised Code, the Fiscal Officer is responsible for maintaining the records of the Township. **Every** meeting must have minutes!!! The one exception is during Executive Session however Executive Session must begin in Open Session and end in Open Session. Therefore, minutes are documented before and after the Executive Session.

Since mid-1980's and every four years, Connie has taken an Ohio Sunshine Law "Public Record Training" course. The recommended style, as outlined in these courses, has been, [a person who was not in attendance should be able to read the minutes and determine what caused the board to arrive at their decision].

Some of the public is critical that there is not enough in the minutes while others are critical that there is too much. An example of minutes taken in April of 2004 was shown verified that the style of minutes has not changed since the beginning of her tenure. Every recorder has their own style, however the important fact is to stay consistent. Examples were shown of Fairfield Union School Board and the City of Lancaster minutes. The Auditor of State reads and reviews all of the minutes during an audit. Many times the Auditors have commented about how thorough this township's minutes are kept. This also enables us to look back into the minutes of the past and know exactly what transpired. On several occasions research was needed and we were able to prove our stand on the matter.

Upon occasion we have heard that the minutes are done ahead of time. While in fact, it is just a shell. The Auditor of State has software that produces a shell, yet Connie expressed that she is quite comfortable with the one that has been utilized for twelve years. An example of the March 2nd shell before the meeting was provided, notes taken in that shell, and finally the end minutes. It was also noted that the Trustees have always been given the minutes ahead of the meeting to review and discuss possible changes.

Rushcreek Township Board of Trustees minutes are done in a very professional manner and the Auditor of the State of Ohio has provided us with a Clean Audit. As the Fiscal Officer responsible for maintaining the records of the township, the minutes will continue with the same consistency.

### Minutes

The minutes of the Regular and Special Meeting minutes of March 2nd were presented to the Trustees for approval. Bill made a motion to dispense with the reading of the minutes because the Trustees had reviewed them prior to the meeting and approve the minutes. Dave seconded the motion. Roll Call: Dave, yes; Bill, yes; Hart, aye. Hart reminded everyone that the minutes are available upon request at the Fiscal Officer's office.

### Treasurer's Report

EFT #169-2016 and Warrants #40214-40227 in the amounts of \$44,790.67 were presented to the Trustees for signatures. Bill made a motion to pay the bills and Hart seconded the motion. Roll Call: Hart, aye; Dave, aye; Bill, aye. Payroll was submitted on today's date however the bank requires up to two business days to process therefore that was dated on the 17<sup>th</sup> but presented for signatures.

Robert presented the Trustees with a list of expenditures for the next period in the amount of \$1,500.00. The list included 7 ton of cold mix and \$900 equipment expenses. Dave made a motion to approve the list of expenses and Hart seconded the motion. Roll Call: Dave, aye; Bill, aye; Hart, aye.

Will presented the Trustees with a list of expenditures for the next period in the amount of \$3,950.00. Bill made a motion to approve the list of expenses and Dave seconded the motion. Roll Call: Dave, aye; Bill, aye; Hart, aye.

#### Business

Chief Will Duvall reported the following:

- Runs reported during the pay period: 15 squad which included 6 transports and 12 fire runs.
- Warren Fire is currently testing the SCBA for annual certification.
- Met with Assistant Chief Hutton at Pleasant Township to discuss MEC protocol.
- The Siren has arrived and installation will be completed. Mike Qualls has agreed to help with the installation.

Road Superintendent Robert Suer reported the following:

- The road crew continues to work on cutting trees and brush on Rutter Hill, Pumpkin Vine, along with a few on Purvis Road.
- Using #304 material the crew has hand-patched a lot of holes on gravel roads.
- Over the next couple of weeks the Road Superintendent will be working with the fiscal officer getting Force Account paperwork together on eighteen culvert projects that are projected to be completed this fiscal year.

The Trustees welcomed Bob back from his time off.

Connie reported the following:

- On zoning permit was issued since the last meeting to Seifert Construction, 225 Logan Thornville Road for a replacement structure.
- We have received communications from the Regional Planning Commission about a current violation to building and Township codes. There are questions still to be resolved and there are state agencies that still need to respond. When there is something more definite, it will be reported at a future meeting.
- The Annual Engineer & Trustee meeting has been scheduled for March 30<sup>th</sup> at 7:30am at the Engineer's office, 3026 W. Fair Ave., Lancaster. The Township is NOT responsible for advertising this meeting nor covering minutes as the Engineer handles those details.
- Fairfield County OTA banquet is March 19<sup>th</sup> at Amanda Township Fire Department.
- After the last Township meeting Mr. George Shreyer expressed an interest in attending the LTAP class on April 7<sup>th</sup>. There are two registration fees: \$60- Government & \$150 Non-Government. Sarah Welsh from LTAP was contacted to clarify the cost. The \$150 fee is for Salesmen, Industries, & Consultants. Mr. Shreyer is able to attend under the Township and he has agreed to reimburse the Township for his registration fee.
- The 1<sup>st</sup> half property tax settlement was received from the County Auditor.

#### Trustee Reports

Dave – Attended the County Safety meeting regarding bucket truck safety and operations & inspections on March 4<sup>th</sup> at 7am. Also attending were: Richard Campbell, David Campbell, and Bill Myers. He attended the District Advisory Council meeting at 7pm on March 7<sup>th</sup> at the Courthouse. Items of business: Review the 2015 Health Department Annual Report and The 2017 budget was approved with no increase to the township. Both of these reports are available for public viewing. The following appointments were made to the Health Department: Doctor Darrel Coop & Paul D. Martin. The salt bin walls were damaged by the County during winter usage and have been repaired by the County. Jason Dolin at the Prosecutor's office is reviewing possible changes to the administrative procedures. . In Bob's absence and during light duty, Dave has been helping the crew and they have been working towards summer goals. Hart thanked Dave for helping fill in during this time.

Bill – In reference to the recycle program, a survey proposal from George Beiter was presented in the amount of \$450.00. It was Bill's recommendation that the survey be completed prior to the next board meeting in order to proceed with site preparation and fence installation. March 5<sup>th</sup> Saturday duties had

the following visitors: Raymond McCandlish – wants to see the recycle program and agenda items cleared up and things calmed down. Lisa Burnworth – advised they are requesting an appeal with Fairfield County Regional Planning regarding their building permit. He attended bucket truck training at the County on March 4<sup>th</sup> and the Blue Coat Award on March 14<sup>th</sup>. The Tax Incentive Review Board will be meeting on April 13<sup>th</sup> at 10:30am in the Commissioner's Hearing room. On March 12<sup>th</sup> the Rushcreek Township Zoning Commission held a Meet & Greet at the Bremen Café. In attendance: Bill Myers, Richard Campbell, Steve Daugherty, Andrew Schmelzer; Jim Downard, and Tim Thomas.

Hart

#### **Grant Proposal and Application for FD air system replacement**

Lisa Block of Praetorian Digital, a Grant Writer, has been located who has proposed a plan and a contract for a grant application. With the Chief's help in supplying the basic technical descriptions, the scope of the application has been narrowed. The contract was made ready for review and consideration for approval.

#### **FD Property Ingress/Egress**

James Mako of the Regional Planning Commission has reviewed the ingress and egress consideration for the property surrounding the fire department. He has made his notes and sent to the County Engineer's Office for opinion. Nothing further to report.

**Medicount/Emdeon Contract** – Hart has exchanged emails with the Anne Riddiough of Medicount, who advised the contract must be signed soon or billing and income delays can be expected. The contract papers were submitted with the third request to review for consideration of approval as we approach the final deadline.

**Saturday Office Duty 3/12/16** –Visitors: Mr. Loren Young - Reviewed and settled various questions on Township use of parliamentary procedures and clarified process of policy changes; Mr. Earl Lehman - Reviewed Township's application and compliance with the Ohio Sunshine Laws. Clarified meeting announcement process and suggested venues to provide citizens with more access to these announcements. Rushcreek Township meets the minimum law requirements on meeting postings by sending to our official newspaper Eagle Gazette and posting on the Township's website. Connie pointed out that the "Newspaper of Record" is the Eastern Towne Crier by Resolution several years ago. However, due to the Towne Crier printing every two weeks, time restraints sometime require utilizing the Eagle Gazette.

#### **Old Business –**

Hart requested a motion be placed on the floor with regards to the Medicount/Emdeon contract that has been lying on the table for many weeks. Bill made a motion to accept Medicount contracts as submitted in the file that had been presented and Dave seconded the motion. Roll Call: Hart, aye; Dave, aye; Bill, aye. Hart agreed to take responsibility in signing each of the contracts and submit in overnight mail the signed contracts to Medicount.

#### **New Business -**

Dave made a motion to approve the Grant Writer's contract with FireGrantsHelp & EMS GrantsHelp c/o Praetorian Digital. Discussion: This grant is specific to the Air System at the fire department that is a cost of between \$40 - \$50,000.00. The grant writer fee of \$2,250.00 may be included in the grant but that would be up to the "Sponsor". This company has subdivisions of Fire & EMS grants along with a Roads division. The grant writer does the work, however the grant contract is between the entity and the sponsor. Bill seconded the motion. Roll Call: Hart, aye; Dave, aye; Bill, aye.

Bill initiated discussion on the proposal for surveying the fire department lot from George Beiter. Connie expressed a concern that only one quote was received. She wanted to be perfectly clear that this is just good business practice to obtain three quotes. Hart questioned Dave about his relationship to Mr. Beiter as his in-law. Dave responded that he is aware of the conflict and will abstain from voting for Mr. Beiter. After a lengthy discussion it was decided that Bill would obtain three bids. Since the township is looking at fencing in the township yard Bill is to include that in his quote. Hart made a motion to give Bill the

authority to obtain three quotes on having all of the township properties surveyed and choose the least expensive of the three as long as the expense does not exceed \$600.00. Dave seconded the motion. Roll Call: Hart, aye; Dave, aye; Bill, aye.

**Executive Session** - At 8:20pm Dave made a motion to enter into Executive Session for the consideration of a property purchase under ORC 121.22(G)(2) and Bill seconded the motion. Roll Call: Hart, aye; Dave, aye; Bill, aye. Executive Session Ended: 8:48pm.

Meeting Adjourned: 8:49pm.